

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 1440

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 17, 2014

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 1440.

As amended by the committee, the bill prohibits an employer or employer's agent, representative, or designee from discriminating against an applicant for employment in any employment decisions with regard to hiring, compensation or the terms, conditions or privileges of employment because the applicant is, or has been, unemployed.

The bill, however, does not prohibit the employer, agent, representative, or designee, when making employment decisions, from:

1. Inquiring into the applicant employment history and the circumstances surrounding an applicant's separation from prior employment;
2. Considering any substantially job-related qualifications, including: a professional or occupational license, certificate, registration, permit, or other credential; or the level of education or training, or level of professional, occupational, or field experience;
3. Determining that only applicants who are currently employed by the employer will be considered for employment or given priority; or
4. Considering the applicant's actual amount of experience.

The current law, which this bill supplements, provides for civil penalties of up to \$1,000 for the first violation, \$5,000 for the second violation and \$10,000 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development. Those penalties would therefore apply to violations of the provisions of this bill.

#### Committee Amendments:

The amendments clarify that the bill:

1. Prohibits discrimination against unemployed individuals in employment decisions, rather than entirely prohibits any consideration of whether individuals are unemployed, thus permitting an employer to treat unemployed individuals more favorably; and

2. Is not intended to prevent an employer from making inquiries into a job applicant's employment history.